

LOUIS J. BOLAND

IBLA 78-7

Decided January 5, 1978

Appeal from decision of the New Mexico State Office, Bureau of Land Management, rejecting oil and gas lease offer NM 28487.

Reversed and remanded.

1. Oil and Gas Leases: Applications: Drawings

In the absence of any irregularity connected with an offer, an oil and gas lease may be issued to an applicant who has stated that he personally stamped the drawing entry card with his facsimile signature.

APPEARANCES: W. DeVier Pierson, Esq., Pierson, Semmes, Crolius and Finley, Washington, D.C., for Appellant.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

Louis J. Boland has appealed from the August 12, 1977, decision of the New Mexico State Office, Bureau of Land Management, rejecting his application for oil and gas lease NM 28487. Appellant's drawing entry card offer had been stamped with a facsimile signature and the State office determined that the card had not been stamped by Appellant, but had been stamped by an agent, triggering the need for Appellant to have filed the statement required by 43 CFR 3102.6-1. Because no such statement had been filed, the offer was rejected.

[1] The record in this case does not support the State Office's determination that Appellant did not stamp the card himself. When this case was previously before us on appeal, Appellant had submitted affidavits stating that he personally stamped the drawing entry card. In Louis J. Boland, 30 IBLA 238 (1977), we remanded the case to the State Office, holding as follows:

Mary I. Arata, 4 IBLA 201 (1971), established that a lease may be properly issued to an applicant who

provides a statement that he personally stamped his drawing entry card with a facsimile signature in the absence of any information in the record indicating an irregularity in connection with the offer. See generally, Robert C. Leary, 27 IBLA 296 (1976). We remand this case to the State Office for consideration of the affidavits submitted on appeal. If the State Office believes that some impropriety is involved in appellant's offer, then the matter should be referred to the appropriate channels for investigation. Otherwise, a lease should be issued, all else being regular.

Contrary to these instructions, the State Office apparently has persisted in its determination that Appellant did not personally stamp the card with the facsimile signature. Apparently the State Office did not request an investigation through appropriate channels to develop any information which would sustain that determination. The State Office only questioned Appellant further, and Appellant reiterated that he personally stamped the card. Thus, the record still shows no sufficient basis to doubt the credibility of Appellant's affidavits. Without information to show Appellant has made a misstatement of fact, a lease should be issued to Appellant, all else being regular.

Therefore, pursuant to the authority delegated to the Board of Land appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is reversed and the case remanded for further action consistent with this decision.

Joan B. Thompson
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Martin Ritvo
Administrative Judge

